



01P13207US01

PF IAW
2192

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicants : John D. Haley et al.
Serial No. : 09/975,681
Filed : October 11, 2001
For : SYSTEM AND USER INTERFACE SUPPORTING USE OF
CUSTOMIZABLE EXPRESSIONS BY APPLICATIONS

Examiner : Ted T. Vo
Art Unit : 2192

APPEAL BRIEF

May It Please The Honorable Board:

Appellants appeal the Final Rejection, dated January 26, 2005, of Claims 1 - 12, 14, 15 and 17 - 19 of the above-identified application. The fee of five hundred dollars (\$500.00) for filing this Brief and any associated extension fee is to be charged to Deposit Account No. 19-2179. Enclosed is a single copy of this Brief.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Appellants do not request an oral hearing.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Mail Stop: Appeal Briefs - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Signature Alexander Busto

Date: 27 June 2005

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 09/975,681 is the Assignee of record:

Siemens Medical Solutions, Inc.
51 Valley Stream Parkway
Malvern, PA 19355-1406

II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/975,681.

III. STATUS OF THE CLAIMS

Claims 1-12, 14-15 and 17-19 are rejected and the rejection of claims 1 – 12, 14-15 and 17-19 are appealed.

Claims 13 and 16 are allowed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 provides a system for providing a user interface display image supporting user entry of an expression (page 3, lines 18-21). The system includes a user interface menu generator for providing a displayable image (page 5, lines 1-4). The user interface menu generator includes a first image window. The first image window lists a plurality of data items (page 8, lines 3-10). The data items are individually selectable from a plurality of different types of predetermined data items available for incorporation in an

expression used for calculating a result value (page 5, lines 4-7). The user interface menu generator also includes an image prompt element. The image prompt element permits user entry of the expression and incorporates a data item in an entered expression from the listed data items (page 8, lines 26-32). This provides a resultant expression used for calculating a result value in response to user selection of the data item in the first image window (page 7, lines 6-21). The user interface menu generator also includes an icon for initiating the storage of the resultant expression (page 8, lines 13-15). In addition to the user interface menu generator, the system also includes an expression processor (page 7, lines 7-10). The expression processor processes the resultant expression to provide a calculated result value in response to the user command (Figure 3, 314).

Dependent claim 2 includes the features of independent claim 1 along with the additional feature that the plurality of different types of predetermined data items comprise predetermined data items and associated predetermined allowable values for a corresponding predetermined data item. An additional feature is that the data item is incorporated in the expression together with an operator (page 8, lines 22-28). The operator comprises at least one of (a) a logical operator and (b) an algebraic operator to provide the resultant expression (Figure 7, 726).

Dependent claim 3 includes the features of independent claim 1 along with the additional feature that the plurality of different types of predetermined data items comprise at least one of (a) a patient identifier, (b) a medical condition identifier, (c) a patient address and (d) patient medical record information (page 7, line 36 – page 8, line 1).

Dependent claim 4 includes the features of independent claim 1 along with the additional feature that the predetermined data items are individually selectable. They are selectable by selection of displayed elements in a hierarchical tree structure. The displayed elements represent predetermined data items (Figure 5, 710).

Dependent claim 5 includes the features of independent claim 1 along with the additional feature that the expression processor verifies an entered expression is valid and generates an indication as said result identifying said entered expression is invalid. Another feature is that the expression processor initiates generation of a displayed notification to a user indicating the entered expression is invalid (page 7, lines 7-19).

Dependent claim 7 includes the features of independent claim 1 along with the additional feature that the expression processor resolves the resultant expression to provide a result comprising a financial reimbursement sum determined per health care policy terms (page 3, lines 25-28).

Dependent claim 8 includes the features of independent claim 1 along with the additional feature that the plurality of different types of predetermined data items include miscellaneous values comprising predetermined specific words (Figure 5, 724).

Dependent claim 9 includes the features of independent claim 1 along with the additional feature that the displayable image includes an image prompt element supporting user entry of a name for identifying a resultant expression (Figure 4, 405). Another feature is that the user interface menu generator provides an image window permitting user selection of

a template calculable expression from a plurality of predetermined template expressions (Figure 4, 407).

Dependent claim 10 includes the features of independent claim 1 along with the additional feature that the user interface menu generator provides an image window. The image window permits user selection of a template calculable expression from a plurality of predetermined template calculable expressions (Figure 4, 407). Another feature is that the image prompt element incorporates a selected template calculable expression in response to user selection of the selected template calculable expression (Figure 3, 306).

Dependent claim 11 includes the features of independent claim 1 along with the additional feature that the first image window lists a plurality of selectable data items in a hierarchical tree type structure (Figure 5, 710). Another feature is that the plurality of selectable data items are associated with user accessible data item descriptions (page 5, lines 11-14).

Dependent claim 12 includes the features of independent claim 1 along with the additional feature that the icon for initiating the storing of the resultant expression initiates the allocation of a version identifier to the resultant expression (Figure 3, 324).

Independent claim 14 provides a system for providing a user interface display image supporting user entry of an expression (page 3, lines 18-21). The expression is used in deriving information associated with a patient. The system includes a user interface menu generator for providing a displayable image (page 5, lines 1-4). The user interface menu

generator includes a first image window. The first image window lists a plurality of selectable data items (page 8, lines 3-10). The data items are individually selectable from a plurality of different types of predetermined data items available for incorporation into an expression (page 5, lines 4-7). The plurality of different types of predetermined data items comprise predetermined data items and associated predetermined allowable values for a corresponding predetermined data item (page 5, lines 11-14). The user interface menu also includes an image prompt element. The image prompt element permits user entry of the expression and incorporates a data item in the expression from the listed data items (page 8, lines 26-32). This provides a resultant expression in response to user selection of the data item in the first image window (page 7, lines 6-21). The user interface menu also includes an icon for initiating storing of the resultant expression (page 10, lines 29-30). In addition to the user interface menu generator, the system also includes an expression processor (page 7, lines 7-10). The expression processor resolves the resultant expression to provide a result in response to the user command (Figure 3, 314).

Dependent claim 15 includes the features of independent claim 14 along with the additional feature that the expression comprises a calculable expression. Another feature is that the expression processor processes the resultant expression to provide a calculated result value in response to the user command (Figure 4, 415).

Independent claim 17 provides a system for providing a user interface display image supporting user entry of an expression (page 3, lines 18-21). The system includes a user interface menu generator for providing a displayable image (page 5, lines 1-4). The user interface menu generator includes a first image window. The first image window lists a

plurality of data items (page 8, lines 3-10). The data items are individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for calculating a result value (page 5, lines 4-7). The user interface menu generator also includes an image prompt element. The image prompt element permits user entry of the expression and incorporates a data item together with an operator in the entered expression from the listed data items (page 8, lines 26-32; page 10, lines 7-10). This provides a resultant expression used for calculating a result value in response to user selection of the data item in the first image window (page 7, lines 6-21). The user interface menu generator also includes an icon for initiating storing of the resultant expression (page 10, lines 29-30). In addition to the user interface menu generator, the system also includes an expression processor (page 7, lines 7-10). The expression processor resolves the resultant expression to provide a calculated result value in response to the user command (Figure 3, 314).

Dependent claim 18 includes the features of independent claim 17 along with the additional feature that the expression processor processes the resultant expression to determine that the resultant expression is valid (Figure 5, 717). Another feature is that the system for providing a user interface display image comprises machine executable code stored on a tangible storage medium.

Independent claim 19 provides a method for providing a user interface display image supporting user entry of an expression. The method includes the activity of initiating display of an image (page 5m lines 1-4). The image includes a first image window. The first image window lists a plurality of data items (page 8, lines 3-10). The data items are individually selectable from a plurality of different types of predetermined data items available for

incorporation in an expression used for calculating a result value (page 5, lines 4-7). The image also includes an image prompt element. The image prompt element permits user entry of the expression and incorporates a data item in the entered expression from the listed data items (page 8, lines 26-32). This provides a resultant expression used for calculating a result value in response to user selection of the data item in the first image window (page 7, lines 7-10). The image also includes an icon for initiating verification of the resultant expression to determine the resultant expression is valid (Figure 4, 405). The image also includes an icon for initiating storing of the resultant expression (page 10, lines 29-30). The method also includes the activity of verifying that the resultant expression is valid in response to user selection of the icon for initiating verification (Figure 4, 411).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen et al. (EP 0 851 368 A2).

Claims 1-12, 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. (EP 0 851 368 A2) in view of Netscape Communications Corporation, "JavaScript Guide," 1997 (hereinafter termed "Netscape").

VII. ARGUMENT

Nielsen when taken alone or in any combination with Netscape neither anticipates nor makes unpatentable the present claimed invention. Thus, reversal of the Final Rejection

(hereinafter termed “rejection”) of claims 1-12, 14, 15, and 17-19 under 35 U.S.C. §§ 102(b) and 103(a) is respectfully requested.

Overview of the Cited References

Nielsen et al. recite a graphical user interface (GUI) for a text search system. The search query is composed from text entry fields and menus of operators. The search engine receives the actual search query as a single string of text and operators arranged in accordance with the search syntax in use. The GUI permits the display of the actual search query. This display permits a user to learn how the system interprets the entries in the fields and selections from the menus as they are entered or changed. The displayed search query is also editable. Changes in the overall search query are reflected back into the text entry fields and operators from which it was composed. A user can compose a search query using either form fill out or text editing.

Netscape discloses selectable predetermined operators and special characters for use in programming a JavaScript expression.

Rejection of Claim 14 under 35 U.S.C. 102(b) over Nielsen et al. (EP 0 851 368 A2)

Reversal of the Final Rejection (hereinafter termed “rejection”) of claim 14 under 35 U.S.C. 102(b) as being anticipated by EP 0 851 368 A2 issued to Nielsen et al. is respectfully requested because the rejection makes the following crucial errors in interpreting the cited reference.

CLAIM 14

A principle issue here is whether Nielsen et al. in elements 260, 265 and 470 of Figures 2-4 show predetermined data items for incorporation in an expression, as alleged in the Rejection (Rejection pages 6 and 7 and elsewhere), or show user selectable options enabling selection of a directory or library to be searched to determine the scope of a search. Applicant respectfully submits that the claimed features are not shown (or suggested) in Nielsen et al.

The Rejection (on pages 6 and 7 and elsewhere) fundamentally **misunderstands** and **mis-interprets** the Nielsen et al. reference and **erroneously** alleges elements 260, 265 and 470 of Figures 2-4 show predetermined data items for incorporation in an expression. This error is made in connection with all the Application claims. Elements 260, 265 and 470 shown in Figures 2-4 of Nielsen et al. do NOT show or suggest data items for incorporation in an expression but rather unambiguously provide user selectable options enabling selection of a directory or library to be searched to determine the scope of a search. Nielsen et al. state on page 6 lines 10-15 that “pull down menu 260 represents a list of options for controlling the **scope** of the **search**. If the search is unrestricted, it is viewed as a search of the **system library**. However, a user may create one or more **subsets** of the **system library** which are adequate for certain types of search the user may wish to undertake. These personal **libraries** may be separately identified and stored for selection. The currently selected scope indication is displayed in a display area of pull down menu 260 and the other selections may be viewed by activating the search button 265 shown on the pull down menu

area”. Further Nielsen et al. states on page 6 line 57 to page 7 line 2 that “Memory blocks 460, 470 and 480 contain the options to be displayed in respective pull down menus when activated by a user” and “Memory block 470 contains a list of options from which the **scope of search may be selected** and stored in memory block 450”.

Consequently, Nielsen et al. recites “pull down menu 260 represents a list of options for controlling the **scope of the search**” and “memory block 470 contains a list of options from which the **scope of search may be selected**” (page 6 lines 10-15). This is corroborated in block 470 of Figure 4 showing the options available for selection comprise **libraries to be searched** (System Library, Personal Library 1, Personal Library 2) and are NOT “different types of predetermined data items available for incorporation in an expression”. This is further corroborated by the dictionary definition of “scope” which means “space or opportunity to function” or “the area covered by a given activity or subject” (Websters II New College Dictionary 1999). The meaning interpreted by the Examiner renders the Nielsen description nonsensical and is in direct contradiction with the plain English meaning of the specification, the Figures and thrust of the Nielsen et al. reference. The Nielsen et al. system unambiguously allows a user to select the library, directory or file structure within which a search is to occur using elements 260, 265 and 470 and these elements **do not effect** the composition of the Nielsen et al. search expression or any other expression. Also, these elements have no relevance to providing “a first image window listing a plurality of selectable data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression”. Selectable data items, as in the present claimed invention, are not akin to the selectable search locations of Nielsen et al. Search locations are places to where data items can be found. In the present claimed invention,

however, selectable search locations are not able to be incorporated into an expression representing a selectable data item. Nielsen et al. provides no 35 USC 112 compliant enabling disclosure of “a first image window listing a plurality of selectable data items individually selectable from predetermined data items and **associated predetermined allowable values**”.

The Nielsen et al. system addresses the problems of difficulty of composing “string based search syntax” queries and the fact that “graphical user interfaces of the prior art do not permit a user to easily save, reuse or otherwise perform text processing on their queries or their previous queries” (Nielsen et al. page 2 lines 39-47). In contrast, the claimed system enables “use of a customizable expression” to “allow users to define formulas for calculating rates of reimbursement” in medical claim insurance reimbursement, for example” as well as “restriction and control of the data that is exposed to a user for entry in an expression and supports association of descriptive information with items of data exposed to users” (Application page 3 lines 32-35 and page 4 lines 23-27). Nielsen et al., does not recognize the advantages of using “a first image window listing a plurality of selectable data items individually selectable from predetermined data items and **associated predetermined allowable values**”. Nielsen et al. also fails to address the problems involved in providing expressions for determining an insurance reimbursement amount, for example, or contemplate the data items or user interface needed to support such determination and provides no other reason or motivation for providing the claimed features.

Contrary to the assertion made in the Advisory Action, while Nielsen et al. provides windows for text-input, this is not the same as “use of a customizable expression” as in the

present claimed invention. The text-input windows shown in Figures 2-4 of Nielsen et al. are for “receiving respective strings of characters for construction of a search” (page 5, lines 55-56). The customizable expression in the present claimed invention, however, is for defining formulas, customization of institution rules and defining other rules (Application, page 3, lines 24-29). Thus, Nielsen et al. does not disclose or suggest the “use of customizable expressions” as in the present invention.

The arrangement of claim 14 provides “a first image window listing a plurality of selectable data items individually selectable from a plurality of different types of predetermined data items” that “comprise predetermined data items and associated predetermined allowable values for a corresponding predetermined data item”. The arrangement incorporates “a data item in said expression from said listed data items to provide a resultant expression in response to user selection of said data item in said first image window”. Nielsen et al. does not show or suggest providing “a first image window listing a plurality of selectable data items individually selectable from a plurality of different types of predetermined data items” that “comprise predetermined data items and associated predetermined allowable values for a corresponding predetermined data item”. The items relied on in the Rejection page 6 and elsewhere (GOOD BOY, GOOD GIRL etc.) are **user entered** and are NOT selectable from “a first image window listing a plurality of selectable data items individually selectable from a plurality of different types of predetermined data items” and that have “**associated predetermined allowable values** for a corresponding predetermined data item”. The fact that these items (GOOD BOY, GOOD GIRL etc.) are **user entered** is clearly stated in Nielsen et al. (“The graphical user interface shown in Figure 2 has a plurality of **text entry fields 200** for receiving respective strings of characters for

construction of a search (Nielsen et al. page 5 lines 54-56), “**text entries** and operators specified in the fields and pull down menus”...“In the example shown, the system interprets the **string** “Good Boy” as a literal because the “match entire string” function is selected. Similarly, the **text entry** “Good Girl” is treated as literal” (Nielsen et al. page 6 lines 17-19).

There is no suggestion in Nielsen in connection with Figure 2 – 4 or elsewhere of “listing a plurality of selectable data items individually selectable from a plurality of different types of predetermined data items” that “comprise predetermined data items and associated predetermined allowable values”. This is because Nielsen et al. is concerned with facilitating developing search syntax expressions (see Abstract) and such search expressions do NOT use search syntax data items having “associated predetermined allowable values”. Because of the desire to develop search syntax expressions, Nielsen et al. does not provide a list of “predetermined allowable values” as in the present claimed invention. To develop search syntax expressions, as in Nielsen et al., a user needs to spontaneously enter terms he thinks will assist in his search. Therefore, Nielsen et al. fails to contemplate or suggest providing a display image listing “selectable data items individually selectable” from “predetermined data items and associated predetermined allowable values” for incorporation in an “expression” as claimed in claim 14.

Consequently, Nielsen et al. teaches a system for facilitating developing search syntax expressions. Nielsen et al. does NOT teach “a first image window listing a plurality of selectable data items individually selectable from predetermined data items and **associated predetermined allowable values**”. Thus, as there is no 35 USC 112 enabling disclosure that

anticipates the present invention, withdrawal of the Rejection of claim 14 under 35 USC 102 (b) is respectfully requested.

**Rejection of Claims 1-12, 15 and 17-19 under 35 USC 103(a) over
Nielsen et al. (EP 0 851 368 A2) in view of Netscape Communications Corporation,
“JavaScript Guide”, 1997 (hereinafter “Netscape”).**

Claims 1-12, 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al. (EP 0 851 368 A2) in view of Netscape Communications Corporation, “JavaScript Guide”, 1997 (hereinafter “Netscape”). These claims are considered patentable for reasons given in connection with claim 14 and for the following reasons.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroya, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ

929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

A principle issue here is whether Nielsen et al. in view of Netscape shows “an expression used for calculating a result value.” Applicant respectfully submits that these features are not shown (or suggested) in Nielsen et al. in view of Netscape.

CLAIM 1

Claim 1 recites a system for “providing a user interface display image supporting user entry of an expression, comprising: a user interface menu generator for providing a displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for calculating a result value, an image prompt element for permitting user entry of said expression and for incorporating a data item in an entered expression from said listed data items to provide a resultant expression used for calculating a result value in response to user selection of said data item in said first image window, and an icon for initiating storing of said resultant expression; and an expression processor for processing said resultant expression to provide a calculated result value in response to user command”. These features are not shown (or suggested) in Nielsen et al. when taken alone or in combination with Netscape.

The present claimed system provides a “displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different

types of predetermined data items available for incorporation in an expression used for calculating a result value”. The system also provides “a resultant expression used for calculating a result value” in response to user selection of a “data item in said first image window” and processes the “resultant expression to provide a calculated result value in response to user command”. These features enable “restriction and control of the data that is exposed to a user for entry in an expression and supports association of descriptive information with items of data exposed to users. In addition, multiple user selectable template expressions are provided for user alteration advantageously facilitating the user interface process”. The system also enables use of a “customizable expression” to “allow users to define formulas for calculating rates of reimbursement” in medical claim insurance reimbursement, for example (Application page 3 lines 32-35 and page 4 lines 23-27). This capability is of substantial advantage in hospital administration and improves hospital operation.

In contrast, the system of Nielsen et al. with Netscape is “directed to a graphical user interface which permits the user to quickly learn search syntax by getting feedback on how the system interprets the search strings and operators selected by the user in a graphical user interface” (Nielsen et al. (with Netscape) page 2 lines 51-53). Nielsen et al. with Netscape does NOT show or suggest providing a “displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for **calculating a result value**” as claimed in claim 1. The Nielsen et al. with Netscape system is concerned with search and search expressions for obtaining search results and retrieving text and does

NOT contemplate expressions for “calculating a result value”, for example (Nielsen et al. abstract).

The Rejection (Page 8) recognizes that Nielsen does NOT disclose “an expression used for calculating a result value” but erroneously states that the features of claim 1 would be obvious in view of expression information detailed in Netscape chapter 9. Neither Netscape nor Nielsen et al., individually or in combination, show or suggest “providing a displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for **calculating a result value**”. As previously explained in connection with claim 14, Nielsen et al. does not show or suggest such features. Netscape, in chapter 9 or elsewhere, also fails to show such features and there is no reason or other motivation for modifying the combined Netscape and Nielsen et al. system to incorporate such features.

Netscape merely shows selectable predetermined operators and special characters for use in programming a JavaScript expression. Netscape (with Nielsen et al.) does NOT show or suggest providing a “displayable image including, a first **image window** listing a plurality of **data items** individually selectable from a plurality of different types of predetermined data items available for incorporation” in a calculable expression. These features enable a user to select from a “plurality of different types of predetermined data items available for incorporation” in a calculable expression. As shown in the application a user is able to select from “allowable values via window 725, miscellaneous values via window 724 and operators via window 726...for inclusion in the expression, for example” (Application page 11 lines 4-7 and Figure 5).

In contrast, in Nielsen et al. (with Netscape) a user enters character strings in items 200 and field 270 (items relied on in the Rejection page 3). Further, in Nielsen et al. “text entry fields 200” are “for receiving respective strings of characters for construction of a search” and “system interpretation field 270 represents a combination of the text fields and operations”. Also, “pull down menu 260 represents a list of options for controlling the scope of the search. If the search is unrestricted, it is viewed as a search of the system library” that is menu 260 allows selection from a “plurality of operators”, button 265 enables “activating the search” and “button 275 represents a pull down menu activation for causing a display or previously entered queries which have been submitted to the system” (Nielsen et al. page 2 line 54 to page 3 line 27).

Consequently, items 200 are fields allowing user entry of search text, item 270 shows a created search expression, item 260 allows a user to select a library to be searched and item 265 is a search activation button. Therefore, items 200, 260, 265 and 270 are NOT “predetermined data items available for incorporation” in a calculable expression. Items 210 allow selection of logical search operators (AND, OR etc.) and are NOT (and do not suggest) “data items individually selectable from a plurality of different types of predetermined data items available for incorporation” in “an expression used for **calculating a result value**”. The menu 210 operators are used to construct a logical search term to located specific search results and NOT calculate a value. Similarly, item 275 enables location of previously “entered queries which have been submitted to the system” as searches and do NOT comprise expressions “used for **calculating a result value**”. Consequently, Nielsen et al. with Netscape does not show or suggest a “displayable image including, a first image window

listing a plurality of data items individually selectable from a plurality of **different types** of predetermined data items available for incorporation” in “an expression used for calculating a result value”.

Further, the Nielsen et al. with Netscape system addresses the problems of difficulty of composing “string based search syntax” queries and the fact that “graphical user interfaces of the prior art do not permit a user to easily save, reuse or otherwise perform text processing on their queries or their previous queries” (Nielsen et al. with Netscape page 2 lines 39-47). In contrast, the claimed system enables “use of a ‘customizable expression’ to ‘allow users to define formulas for calculating rates of reimbursement’ in medical claim insurance reimbursement, for example” as well as “restriction and control of the data that is exposed to a user for entry in an expression and supports association of descriptive information with items of data exposed to users”. (Application page 3 lines 32-35 and page 4 lines 23-27). Nielsen et al. with Netscape, does not address these problems and the problems involved in providing expressions for “calculating a value” such as an insurance reimbursement amount or contemplate the items or user interface needed to support such a calculation and provides no other reason or motivation for providing the claimed features. The combination of Nielsen et al. with Netscape systems as suggested in the Rejection results in a search user interface supporting “string based search syntax” queries implemented using JavaScript programming language and operators. Such a system fails to suggest “providing a displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for **calculating a result value**”.

Claim 6 is dependent on Claim 1 and thus includes the same limitations as claim 1. In view of this, Claim 6 is considered to be patentable for the reasons given in connection with claim 1.

In view of the above remarks, it is respectfully submitted that claim 1 of the present invention is neither disclosed nor suggested by Nielsen et al. in view of Netscape for the reasons discussed above. Consequently, it is respectfully requested that the rejection of claims 1 and 6 be withdrawn

CLAIM 2

Dependent claim 2 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 2. Claim 2 is also considered to be patentable because Nielsen et al. with Netscape neither discloses nor suggest a system in which the “plurality of different types of predetermined data items comprise predetermined data items and associated predetermined allowable values for a corresponding predetermined data item and said data item is incorporated in said expression together with an operator comprising at least one of, (a) a logical operator and (b) an algebraic operator to provide said resultant expression”. The Nielsen et al. Figure 2 image items 200, 210, 260, 265, 270 and 275 are NOT “predetermined allowable values for a corresponding predetermined data item” for incorporation in an expression (Nielsen et al. with Netscape page 2 line 54 to page 3 line 27). As previously explained, items 200, 260, 265 and 270 are NOT “predetermined data items” at all.

Further, available items 210 are logical search operators (AND, OR etc.) which are NOT data items since a “data item is incorporated in said expression together with an operator”. That is an operator is used to link data items to an expression and is NOT a data item itself in the claim 2 arrangement and also does NOT comprise “**predetermined allowable values** for a corresponding predetermined data item”. Similarly, item 275 enables location of previously “entered queries which have been submitted to the system” as searches and as such does not suggest generation of an image window permitting user selection of “predetermined allowable values for a corresponding predetermined data item”. Thus withdrawal of the Rejection of Claim 2 under 35 USC 103(a) is respectfully requested.

CLAIM 3

Dependent claim 3 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claims 1 and 14 which are also applicable to claim 3. Claim 3 is also considered to be patentable because Nielsen et al. with Netscape neither discloses nor suggests a system in which the “different types of predetermined data items comprise at least one of, (a) a patient identifier, (b) a medical condition identifier, (c) a patient address and (d) patient medical record information”. These items are used in the “resultant expression” to **calculate** a “result value”, such as an insurance reimbursement value for a specific patient and medical condition, for example. The Nielsen et al. with Netscape search expression based system does not contemplate providing a “calculated result value” using such data items at all. Thus withdrawal of the Rejection of Claim 3 under 35 USC 103(a) is respectfully requested.

CLAIM 4

Dependent claim 4 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 4. Claim 4 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) a system involving the claim 4 combination of features in which the “predetermined data items are individually selectable by selection of displayed elements in a **hierarchical tree structure**, said displayed elements representing predetermined data items”. Such a hierarchical tree structure is nowhere contemplated or suggested in Nielsen et al. with Netscape. Thus withdrawal of the Rejection of Claim 4 under 35 USC 103(a) is respectfully requested.

CLAIM 5

Dependent claim 5 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 5. Claim 5 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) the claim 5 feature combination involving an “expression processor” that “verifies an entered expression is valid and generates an indication as said result identifying said entered expression is invalid” and “initiates generation of a displayed notification to a user indicating said entered expression is invalid”. Nielsen et al. with Netscape does not contemplate these features in combination with the features of claim 1. Thus withdrawal of the Rejection of Claim 5 under 35 USC 103(a) is respectfully requested.

CLAIM 7

Dependent claim 7 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 7. Claim 7 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) the feature combination involving an “expression processor” that “resolves the resultant expression to provide a result comprising a financial reimbursement sum determined per health care policy terms”. As previously explained, Nielsen with Netscape is concerned with search and search expressions for obtaining search results and retrieving text and does NOT suggest an “expression processor” that “resolves said resultant expression to provide a result comprising a **financial reimbursement sum determined per health care policy terms**”. Nielsen et al. with Netscape does not contemplate expressions for “calculating a result value” at all (see Nielsen et al. abstract). Thus withdrawal of the Rejection of Claim 7 under 35 USC 103(a) is respectfully requested.

CLAIM 8

Dependent claim 8 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 8. Claim 8 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) a feature combination in which “said plurality of different types of predetermined data items include **miscellaneous** values comprising **predetermined specific words**”. Thus withdrawal of the Rejection of Claim 8 under 35 USC 103(a) is respectfully requested.

CLAIM 9

Dependent claim 9 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 9. Claim 9 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) a feature combination in which “said displayable image includes an image prompt element supporting user entry of a **name** for identifying a resultant expression and said user interface menu generator provides an image window permitting user selection of a template calculable expression from a plurality of predetermined template expressions”. Contrary to the Rejection statements, Nielsen et al. with Netscape in Figure 5 does not show or suggest “entry of a **name** for identifying a resultant” calculable expression. Thus withdrawal of the Rejection of Claim 9 under 35 USC 103(a) is respectfully requested.

CLAIM 10

Dependent claim 10 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 10. Claim 10 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) a feature combination in which “said user interface menu generator provides an image window permitting user selection of a template **calculable** expression from a plurality of predetermined template calculable expressions and said image prompt element incorporates a selected template calculable expression in response to user selection of said selected template calculable expression”. Nielsen et al. with Netscape does not contemplate expressions for “calculating a result value” at all. Thus withdrawal of the Rejection of claim 10 under 35 USC 103(a) is respectfully requested.

CLAIM 11

Dependent claim 11 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 11. Claim 11 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) a system in which a “said first image window lists a plurality of selectable data items in a **hierarchical tree type** structure and said plurality of selectable data items are associated with user accessible data item descriptions”. Nielsen et al. with Netscape nowhere suggests use of an “image window” that “lists a plurality of selectable data items in a **hierarchical tree type structure**”. Thus withdrawal of the Rejection of claim 11 under 35 USC 103 (a) is respectfully submitted.

CLAIM 12

Dependent claim 12 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented above with respect to claims 1 and 14 also apply to claim 12. Claim 12 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) a system in which “said icon for initiating storing of said resultant expression initiates allocation of a **version identifier** to said resultant expression”. Nielsen et al. with Netscape nowhere suggests such features. The withdrawal of the Rejection of claim 12 under 35 USC 103 (a) is respectfully submitted.

CLAIM 15

Dependent claim 15 is considered to be patentable based on its dependence on independent claim 1 and for reasons given in connection with claim 14. Therefore, the arguments presented with respect to claims 1 and 14 also apply to claim 15. Claim 15 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) “said expression comprises a calculable expression, and said expression processor processes said resultant expression to provide a calculated result value in response to said user command”. As previously explained in connection with claims 1, 2 and 14, Nielsen et al. with Netscape nowhere suggest such a combination of features or provide any problem recognition or other motivation for incorporating such a combination of features. The withdrawal of the Rejection of claim 15 under 35 USC 103 (a) is respectfully submitted.

CLAIM 17

Independent claim 17 includes similar feature to Independent Claim 1 and is considered to be patentable for the same reasons discussed hereinabove regarding Claim 1.

Claim 17 recites a system for “providing a user interface display image supporting user entry of an expression, comprising: a user interface menu generator for providing a displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for calculating a result value, an image prompt element permitting user entry of said expression and for incorporating a data item together with an operator in said expression from said listed data items to provide a resultant expression used for calculating a result value in response to user selection of said data item in said first image window, and an icon for initiating storing of said resultant expression; and an

expression processor for resolving said resultant expression to provide a calculated result value in response to user command.” These features are not shown (or suggested) in Nielsen et al. with Netscape. The system of Nielsen et al. with Netscape is “directed to a graphical user interface which permits the user to quickly learn search syntax by getting feedback on how the system interprets the search strings and operators selected by the user in a graphical user interface” (Nielsen et al. (with Netscape) page 2 lines 51-53). The Nielsen et al. with Netscape system is concerned with search and search expressions for obtaining search results and retrieving text and does NOT contemplate expressions for “calculating a result value”, for example (Nielsen et al. abstract).

Also, the Nielsen et al. with Netscape system addresses the problems of difficulty of composing “string based search syntax” queries and the fact that “graphical user interfaces of the prior art do not permit a user to easily save, reuse or otherwise perform text processing on their queries or their previous queries” (Nielsen et al. with Netscape page 2 lines 39-47). In contrast, the claimed system enables “use of a ‘customizable expression’ to ‘allow users to define formulas for calculating rates of reimbursement’ in medical claim insurance reimbursement, for example” as well as “restriction and control of the data that is exposed to a user for entry in an expression and supports association of descriptive information with items of data exposed to users”. (Application page 3 lines 32-35 and page 4 lines 23-27). Nielsen et al. with Netscape, does not address these problems and the problems involved in providing expressions for “calculating a value” such as an insurance reimbursement amount or contemplate the items or user interface needed to support such a calculation and provides no other reason or motivation for providing the claimed features. The combination of Nielsen et al. with Netscape systems as suggested in the Rejection results in a search user interface

supporting “string based search syntax” queries implemented using JavaScript programming language and operators. Such a system fails to suggest “providing a displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for **calculating a result value**”. Thus withdrawal of the Rejection of Claim 17 under 35 USC 103(a) is respectfully requested.

CLAIM 18

Dependent claim 18 is considered to be patentable based on its dependence on dependent claim 17. Therefore, the arguments presented with respect to claim 17 also apply to claim 18. Claim 18 is also considered to be patentable because Nielsen et al. with Netscape does not show (or suggest) the feature combination of claim 18 in which “said expression processor processes said resultant expression to determine said resultant expression is valid and wherein said system for providing a user interface display image comprises machine executable code stored on a tangible storage medium”. The withdrawal of the Rejection of claim 18 under 35 USC 103 (a) is respectfully submitted.

CLAIM 19

Independent method claim 19 including similar features as recited in Independent Claim 1 and is considered to be patentable for the same reasons as presented above regarding Independent Claim 1.

The method of claim 19 involves “providing a user interface display image supporting user entry of an expression.” The method includes the activities of initiating display of an

image and verifying the resultant expression is valid in response to user selection of the icon for initiating verification. The “displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for **calculating a result value**”. Neither Nielsen et al. nor Netscape individually or together suggest such features. The system of Nielsen et al. with Netscape is “directed to a graphical user interface which permits the user to quickly learn search syntax by getting feedback on how the system interprets the search strings and operators selected by the user in a graphical user interface” (Nielsen et al. (with Netscape) page 2 lines 51-53). The Nielsen et al. with Netscape system is concerned with search and search expressions for obtaining search results and retrieving text and does NOT contemplate expressions for “calculating a result value”, for example (Nielsen et al. abstract).

Nielsen et al. with Netscape also does not address the problems involved in providing expressions for “calculating a value” such as an insurance reimbursement amount or contemplate the items or user interface needed to support such a calculation and provides no other reason or motivation for providing the claimed features. The combination of Nielsen et al. with Netscape systems as suggested in the Rejections results in a search user interface supporting “string based search syntax” queries implemented using JavaScript programming language and operators. Such a system fails to suggest “a displayable image including, a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for **calculating a result value**”.

Consequently, in view of the above remarks, it is respectfully submitted that Nielsen et al., alone or in combination with Netscape, does not provide any 35 USC 112 compliant enabling disclosure that makes the present invention as claimed in claims 1, 17 and 19 unpatentable. As claims 2 – 12 are dependent on claim 1 and claim 18 is dependent on claim 17, it is respectfully submitted that claims 2 – 12 and 18 are patentable for the same reasons as discussed above regarding independent claims 1 and 17. Therefore, withdrawal of the Rejection of claims 1-12, 15, and 17-19 under 35 USC 103(a) is respectfully requested.


VIII CONCLUSION

Neither Nielsen et al. nor Netscape alone or in combination with on another disclose a system for providing a user interface display image supporting user entry of an expression. Nielsen et al and Netscape neither disclose nor suggest a system comprising “a user interface menu generator for providing a displayable image” as in the present claimed invention. Additionally, Nielsen et al. and Netscape neither disclose nor suggest a user interface menu generator including “a first image window listing a plurality of data times individually selectable form a plurality of different types of predetermined data items available for incorporation in an expression used for calculating a result value” as in the present claimed invention. Nor does Nielsen et al. and Netscape disclose or suggest a user interface menu generator including “an image prompt element for permitting user entry of the expression and for incorporating a data item in an entered expression from said listed data items to provide a resultant expression used for calculating a result value in response to user selection of the data item in the first image window” as in the present claimed invention. Also, Nielsen et al. and Netscape neither disclose nor suggest a user interface menu generator including “an icon for initiation storing of the resultant expression” as in the present claimed invention. Furthermore,

Nielsen et al. and Netscape neither disclose nor suggest a system also comprising “an expression processor for processing the resultant expression to provide a calculated result value in response to user command” as in the present claimed invention.

Accordingly it is respectfully submitted that the rejection of Claims 1 – 12, 14, 15 and 17 – 19 should be reversed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alexander Burke", written over a horizontal line.

Alexander J. Burke
Reg. No. 40,425

Date: June 27, 2005

Siemens Corporation,
Customer No. 28524
Tel. 732 321 3023
Fax 732 321 3030

APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) A system for providing a user interface display image supporting user entry of an expression, comprising:

a user interface menu generator for providing a displayable image including,

a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for calculating a result value,

an image prompt element for permitting user entry of said expression and for incorporating a data item in an entered expression from said listed data items to provide a resultant expression used for calculating a result value in response to user selection of said data item in said first image window, and

an icon for initiating storing of said resultant expression; and

an expression processor for processing said resultant expression to provide a calculated result value in response to user command.

2. (Previously Presented) A system according to claim 1, wherein

said plurality of different types of predetermined data items comprise predetermined data items and associated predetermined allowable values for a corresponding predetermined data item and

said data item is incorporated in said expression together with an operator comprising at least one of, (a) a logical operator and (b) an algebraic operator to provide said resultant expression.

3. (Previously Presented) A system according to claim 1, wherein
said plurality of different types of predetermined data items comprise at least one of, (a) a patient identifier, (b) a medical condition identifier, (c) a patient address and (d) patient medical record information.

4. (Previously Presented) A system according to claim 1, wherein
said predetermined data items are individually selectable by selection of displayed elements in a hierarchical tree structure, said displayed elements representing predetermined data items.

5. (Previously Presented) A system according to claim 1, wherein
said expression processor verifies an entered expression is valid and generates an indication as said result identifying said entered expression is invalid and
said expression processor initiates generation of a displayed notification to a user indicating said entered expression is invalid.

6. (Previously Presented) A system according to claim 1, wherein
said displayable image includes an icon for initiating verification an entered expression is valid and
said verification includes a syntax check of said entered calculable expression.

7. (Previously Presented) A system according to claim 1, wherein

said expression processor resolves said resultant expression to provide a result comprising a financial reimbursement sum determined per health care policy terms.

8. (Previously Presented) A system according to claim 1, wherein
said plurality of different types of predetermined data items include miscellaneous values comprising predetermined specific words.

9. (Previously Presented) A system according to claim 1, wherein
said displayable image includes an image prompt element supporting user entry of a name for identifying a resultant expression and
said user interface menu generator provides an image window permitting user selection of a template calculable expression from a plurality of predetermined template expressions.

10. (Previously Presented) A system according to claim 1, wherein
said user interface menu generator provides an image window permitting user selection of a template calculable expression from a plurality of predetermined template calculable expressions and
said image prompt element incorporates a selected template calculable expression in response to user selection of said selected template calculable expression.

11. (Previously Presented) A system according to claim 1, wherein
said first image window lists a plurality of selectable data items in a hierarchical tree type structure and

said plurality of selectable data items are associated with user accessible data item descriptions.

12. (Previously Presented) A system according to claim 1, wherein
said icon for initiating storing of said resultant expression initiates allocation of a version identifier to said resultant expression.

13. (Previously Presented) A system for providing a user interface display image supporting user entry of an expression, comprising:

a user interface menu generator for providing a displayable image including,
a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for calculating a result value,
an image prompt element for permitting user entry of said expression and for incorporating a data item in an entered expression from said listed data items to provide a resultant expression used for calculating a result value in response to user selection of said data item in said first image window, and
an icon for initiating storing of said resultant expression; and
an expression processor for processing said resultant expression to provide a calculated result value in response to user command, wherein
said icon for initiating storing of said resultant expression initiates allocation of a version identifier to said resultant expression and
said expression processor uses said version identifier in processing a latest version of said resultant expression to provide said calculated result value.

14. (Previously Presented) A system for providing a user interface display image supporting user entry of an expression for use in deriving information associated with a patient, comprising:

a user interface menu generator for providing a displayable image including,

a first image window listing a plurality of selectable data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression, said plurality of different types of predetermined data items comprise predetermined data items and associated predetermined allowable values for a corresponding predetermined data item,

an image prompt element permitting user entry of said expression and for incorporating a data item in said expression from said listed data items to provide a resultant expression in response to user selection of said data item in said first image window, and

an icon for initiating storing of said resultant expression; and

an expression processor for resolving said resultant expression to provide a result in response to user command.

15. (Previously Presented) A system according to claim 14, wherein

said expression comprises a calculable expression, and

said expression processor processes said resultant expression to provide a calculated result value in response to said user command.

16. (Previously Presented) A system for providing a user interface display image supporting user entry of an expression for use in deriving information associated with a patient, comprising:

a user interface menu generator for providing a displayable image including,

a first image window listing a plurality of selectable data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression, said plurality of different types of predetermined data items comprise predetermined data items and associated predetermined allowable values for a corresponding predetermined data item,

an image prompt element permitting user entry of said expression and for incorporating a data item in said expression from said listed data items to provide a resultant expression in response to user selection of said data item in said first image window, and

an icon for initiating storing of said resultant expression; and

an expression processor for resolving said resultant expression to provide a result in response to user command, wherein

said plurality of different types of predetermined data items identify at least one of, (a) a patient, (b) a patient physical characteristic, (c) patient address information and (d) patient medical record information and

said user interface menu generator provides an image window indicating said associated predetermined allowable values for a corresponding predetermined data item comprise at least one of, (i) an acceptable parameter and (ii) an acceptable value, associated with a data item selected by a user via said first image window.

17. (Previously Presented) A system for providing a user interface display image supporting user entry of an expression, comprising:

a user interface menu generator for providing a displayable image including,

a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for calculating a result value,

an image prompt element permitting user entry of said expression and for incorporating a data item together with an operator in said entered expression from said listed data items to provide a resultant expression used for calculating a result value in response to user selection of said data item in said first image window, and

an icon for initiating storing of said resultant expression; and

an expression processor for resolving said resultant expression to provide a calculated result value in response to user command.

18. (Previously Presented) A system according to claim 17, wherein

said expression processor processes said resultant expression to determine said resultant expression is valid and wherein

said system for providing a user interface display image comprises machine executable code stored on a tangible storage medium.

19. (Previously Presented) A method for providing a user interface display image supporting user entry of an expression, comprising the activities of:

initiating display of an image including,

a first image window listing a plurality of data items individually selectable from a plurality of different types of predetermined data items available for incorporation in an expression used for calculating a result value,

an image prompt element permitting user entry of said expression and for incorporating a data item in said entered expression from said listed data items to provide a resultant expression used for calculating a result value in response to user selection of said data item in said first image window, and

an icon for initiating verification of said resultant expression to determine said resultant expression is valid, and

an icon for initiating storing of said resultant expression; and

verifying said resultant expression is valid in response to user selection of said con for initiating verification.

APPENDIX II - EVIDENCE

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

APPENDIX III - RELATED PROCEEDINGS

Applicant respectfully submits that there are no proceedings related to this appeal in which any decisions were rendered.

APPENDIX IV - TABLE OF CASES

1. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
2. *ACS Hospital Systems Inc v. Montefiore Hospital*, 221 USPQ 929,933 (Fed. Cir. 1984)
3. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
4. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
5. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)

APPENDIX V - LIST OF REFERENCES

<u>European Pat.</u>	<u>Publication Date</u>	<u>Inventors</u>
<u>App. No.</u>		
EP 0 851 368 A2	July 1, 1998	Nielsen et al.

Other References

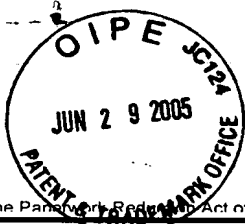
Netscape Communications Corporation, "JavaScript Guide", 1997.

TABLE OF CONTENTS

<u>ITEMS</u>	<u>PAGE</u>
I. Real Party in Interest	2
II. Related Appeals and Interferences	2
III. Status of Claims	2
IV. Status of Amendments	2
V. Summary of the Claimed Subject Matter	2 - 8
VI. Grounds of Rejection to be Reviewed on Appeal	8
VII. Argument	8 - 31
VIII Conclusion	31 - 32

APPENDICES

I. Appealed Claims	33 - 40
II. Evidence	41
III. Related Proceedings	42
IV. Table of Cases	43
V. List of References	43



PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known

Application Number	09/975,681
Filing Date	October 11, 2001
First Named Inventor	John D. Haley et al.
Examiner Name	Ted T. Vo
Art Unit	2192
Attorney Docket No.	2001P13207US01

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 19-2179 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief

\$500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 40,425	Telephone 732-321-3023
Name (Print/Type)	Alexander J. Burke	Date June 27, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.